

VETERANS AFFAIRS, IOWA DEPARTMENT OF[801]

Adopted and Filed Emergency

Pursuant to the authority of Iowa Code sections 17A.3(1)“b” and 35A.14(5), the Department of Veterans Affairs hereby amends Chapter 11, “Injured Veterans Grant Program,” Iowa Administrative Code.

These amendments implement the provisions of 2010 Iowa Acts, House File 755, and 2011 Iowa Acts, Senate File 402, which expand coverage under the Injured Veterans Grant Program to a veteran who suffered an injury in a combat zone requiring at least 30 consecutive days of hospitalization at a military hospital but who was not evacuated from the combat zone contemporaneously with or near the time of the injury. In addition, coverage is expanded to allow for additional grant awards for subsequent, unrelated injuries.

In compliance with Iowa Code section 17A.4(3), the Department finds that notice and public participation are impracticable and contrary to public interest because of the immediate need for amendments to implement provisions of 2010 Iowa Acts, House File 755, and 2011 Iowa Acts, Senate File 402, to permit eligible veterans to apply for grants immediately upon adoption.

The Department also finds that these amendments confer a benefit on the persons affected, eligible injured veterans, in that they ease and speed the administration of an important state grant program benefiting those veterans, and should be implemented as soon as feasible in order to facilitate the award of grants under the program. Therefore, these amendments are filed pursuant to Iowa Code section 17A.5(2)“b”(2), and the normal effective date of these amendments is waived.

The Department adopted these amendments on March 31, 2011.

A fiscal impact summary prepared by the Legislative Services Agency pursuant to Iowa Code § 17A.4(4) will be available at <http://www.legis.state.ia.us/IAC.html> or at (515)281-5279 prior to the Administrative Rules Review Committee’s review of this rule making.

After analysis and review of this rule making, no impact on jobs has been found.

These amendments are intended to implement Iowa Code section 35A.14(5) as amended by 2011 Iowa Acts, Senate File 402.

These amendments became effective March 31, 2011, upon filing with the Administrative Rules Coordinator.

The following amendments are adopted.

ITEM 1. Amend paragraphs **11.3(2)“b”** and **“c”** as follows:

b. The injury or illness was serious enough to require medical evacuation from the combat zone to a military hospital or the injury or illness required at least 30 consecutive days of hospitalization at a military hospital; and

c. The injury or illness was or is considered by the military to have been received in the line of duty, based upon the circumstances known at the time of evacuation, injury or illness.

ITEM 2. Amend subparagraph **11.4(1)“b”(3)** as follows:

(3) Medical records or military orders to document date of medical evacuation and periods of continued medical treatment or rehabilitation; and

ITEM 3. Adopt the following **new** subrules 11.4(3) and 11.4(4):

11.4(3) Commission review.

a. A three-person subcommittee of commissioners will review applications for those veterans not evacuated but requiring 30 days of consecutive treatment.

b. An applicant may appeal a grant award decision to the commission.

11.4(4) Subsequent award.

a. A seriously injured veteran meeting all other requirements of this rule may receive additional grants for subsequent, unrelated injuries that meet the requirements of this rule. Any subsequent,

unrelated injury shall be treated as if it were an initial injury for the purposes of determining eligibility or allotment.

b. Grants for veterans suffering subsequent, unrelated injuries after September 11, 2001, but prior to March 30, 2011, shall be payable, upon a showing that the veteran would have been eligible for payment had the subsequent, unrelated injury occurred on or after March 30, 2011.

ITEM 4. Amend **801—Chapter 11**, implementation sentence, as follows:

These rules are intended to implement Iowa Code section 35A.14 as amended by ~~2007 Iowa Acts, House File 767~~ 2011 Iowa Acts, Senate File 402.

[Filed Emergency 3/31/11, effective 3/31/11]

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EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 4/20/11.